

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Gail M. Trenda,

Plaintiff,

-vs-

Michael J. Astrue, Social Security
Administration Commissioner,

Defendant.

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Case No. 3:08-cv-92

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending Plaintiff's motion for fees and expenses under the Equal Access to Justice Act ("EAJA") be granted and Plaintiff's motion for attorney's fees pursuant to 24 U.S.C. § 404(b) be held in abeyance pending calculation of past-due benefits (Doc. #36). No party filed an objection within the time prescribed in Local Rule 72.1(D)(3).

The Court has reviewed the Report and Recommendation, along with the entire file, and agrees with the Magistrate Judge's analysis and recommendations. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's motion for EAJA fees is **GRANTED** (Doc. #25). Defendant is ordered to pay Plaintiff \$12,731.84 in attorney fees and \$17.36 in expenses. Defendant is also ordered to pay \$354.40 in costs under the Department of Justice's Judgment Fund. Further, Plaintiff's motion for fees pursuant to 24 U.S.C. § 406(b) is held in **ABEYANCE** pending calculation of past-due benefits (Doc. #27). The parties shall comply with the time limits for filing supplemental memoranda, which is set forth in the Magistrate Judge's Report and Recommendation.

IT IS SO ORDERED.

Dated this 21st day of December, 2009.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court